Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 15, 16, and 18-28 stand rejected under 35 U.S.C. §103(a) as being un-patentable over U.S. Patent No. 6,205,362 of *Eidson* ("*Eidson ('362)*").

Claim 17 stands rejected under 35 U.S.C. §103(a) as being un-patentable over *Eidson ('362)* in view of U.S. Patent No. 5,566,180 of *Eidson* ("*Eidson ('180)*").

Claims 10-14 stand rejected under 35 U.S.C. §103(a) as being un-patentable over *Eidson ('362)* in view of *Eidson ('180)*.

The Examiner has rejected claims 15, 16, and 18-28 under 35 U.S.C. §103(a) as being un-patentable over *Eidson ('362)*. Applicant respectfully submits, however, that claim 15 is not obvious in view of *Eidson ('362)* because claim 15 is a distributed application having mechanisms for recording the occurrence of significant events in the distributed application and for providing a synchronized time base for evaluating the significant events whereas *Eidson ('362)* teaches self-organizing components that include built in node applications. (*Eidson ('362)*, col. 1, line 66 through col. 2, line 13).

Moreover, *Eidson ('362)* does not disclose or suggest node applications having recorder functions and event logs as claimed in claim 15. The Examiner has acknowledged that *Eidson ('362)* does not disclose recorder functions or event logs. (Page 3, Office Action, 12/11/02).

Furthermore, *Eidson ('362)* does not even disclose synchronized clocks as stated by the Examiner.

The Examiner has stated that

> It would have been obvious to one of ordinary skill in the art at the time the invention was made

> to use the teachings of Eidson as the operation function of a recorder function and event log as claimed invention for generating a time-stamp record for each of a set of significant events associated with one or more node applications include a synchronized clock to provide a synchronized time base across nodes, because this operation function performing in a distributed system having [sic] the same result as claimed invention, this would have allowed for a greater system in communication network.

(Page 3, Office Action, 12/11/02) (emphasis added).

Given the fact that *Eidson ('362)* does not disclose recorder functions or event logs or synchronized clocks, it is submitted that the Examiner impermissibly attempted to reconstruct applicant's own invention using applicant's own disclosure because applicant's own disclosure is the only source on record for recorder functions and event logs as claimed in claim 15.

It is therefore respectfully submitted that the distributed application of claim 15 that includes recorder functions that obtain time-stamps for significant events from synchronized clocks that and that stores the time-stamps in event logs to provide a synchronized time base for evaluating the significant events is not obvious in view of *Eidson ('362)* which does not disclose or suggest synchronized clocks, recorder functions, or event logs.

Given that claims 16-28 depend from claim 15, it is also submitted that claims 16-28 are not obvious in view of *Eidson ('362)*.

Given that claim 17 depends from claim 15 and that claim 15 is not obvious in view of *Eidson ('362)*, it is submitted that claim 17 is not obvious in view of *Eidson ('362)* and *Eidson ('180)* because *Eidson ('180)* does not teach or suggest recorder functions or event logs as claimed in claim 15.

The Examiner has rejected claims 10-14 under 35 U.S.C. §103(a) as being un-patentable over *Eidson ('362)*

and *Eidson ('180)*. Applicant submits that amended claim 10 is not obvious in view of *Eidson ('362)* and *Eidson ('180)* because the cited references do not disclose or suggest performance monitoring in a distributed system as claimed in amended claim 10. Instead, *Eidson ('362)* teaches self-organizing components (*Eidson ('362)*, col. 1, line 66 through col. 2, line 13) and *Eidson ('180)* teaches clocks synchronization (*Eidson ('180)*, col. 2, lines 47-49).

For example, the cited references do not disclose or suggest determining a set of significant events that are to be monitored as claimed in amended claim 10. The Examiner has not cited any portions of *Eidson ('362)* or *Eidson ('180)* that are said to teach or suggest the step of determining a set of significant events as claimed in amended claim 10.

Moreover, the cited references do not disclose or suggest providing node applications with recorder functions as claimed in amended claim 10. The Examiner has acknowledged that the cited references do not disclose recorder functions. (Page 5, Office Action, 12/11/02). The Examiner has stated that it would have been obvious to use the node applications taught by *Eidson ('362)* as the operation function of a recorder function "because this operation function performing in a distributed system having the same result as claimed invention..." (Page 5, Office Action, 12/11/02). Applicant submits that the Examiner is impermissibly attempting to reconstruct applicant's own invention using applicant's own disclosure.

Furthermore, the cited references do not teach or suggest running an experiment in a distributed application and obtaining records from the node applications and analyzing the records as claimed in amended claim 10. The fact that the cited references do

not disclose recorder functions means that the cited references cannot teach or suggest obtaining and analyzing records generated by the recorder functions as claimed in amended claim 10.

It is therefore respectfully submitted that the method for performance monitoring of amended claim 10 is not obvious in view of the references cited by the Examiner.

Given that claims 11-14 depend from amended claim 10, it is submitted that claims 11-14 are not obvious in view of the references cited by the Examiner.

It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable objections and rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-1078 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 3-11-03 By: _____

Paul H. Horstmann
Reg. No.: 36,167

Version with Markings to Show Changes Made

10. A method of performance monitoring in a distributed system, comprising the steps of:

determining a set of significant events that are to be monitored in [associated with] a distributed application in the distributed system;

providing each of a set of nodes applications associated with the [distributed application] significant events with a recorder function which when called [by at least one function in the node application associated with a significant event in the distributed application] generates a record that identifies the corresponding significant event and includes a time-stamp for the corresponding significant event obtained from a corresponding synchronized clock;

running an experiment in the distributed application that generates one or more of the significant events;

obtaining the records from the node applications and analyzing the records.